

109TH CONGRESS
1ST SESSION

S. _____

To amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEAHY (for himself, Mr. HATCH, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vessel Hull Design
5 Protection Amendments of 2005”.

1 **SEC. 2. DESIGNS PROTECTED.**

2 Section 1301(a) of title 17, United States Code, is
3 amended by striking paragraph (2) and inserting the fol-
4 lowing:

5 “(2) VESSEL FEATURES.—The design of a ves-
6 sel hull or deck, including a plug or mold, is subject
7 to protection under this chapter, notwithstanding
8 section 1302(4).”.

9 **SEC. 3. DEFINITIONS.**

10 Section 1301(b) of title 17, United States Code, is
11 amended—

12 (1) in paragraph (2), by striking “vessel hull,
13 including a plug or mold,” and inserting “vessel hull
14 or deck, including a plug or mold,”;

15 (2) by striking paragraph (4) and inserting the
16 following:

17 “(4) A ‘hull’ is the exterior frame or body of a
18 vessel, exclusive of the deck, superstructure, masts,
19 sails, yards, rigging, hardware, fixtures, and other
20 attachments.”; and

21 (3) by adding at the end the following:

22 “(7) A ‘deck’ is the horizontal surface of a ves-
23 sel that covers the hull, including exterior cabin and
24 cockpit surfaces, and exclusive of masts, sails, yards,
25 rigging, hardware, fixtures, and other attachments.”.